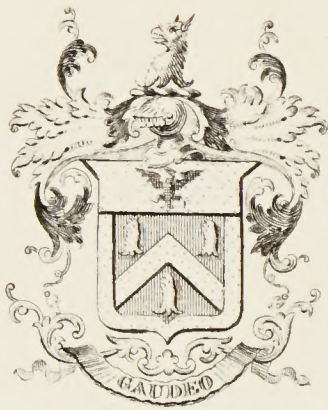






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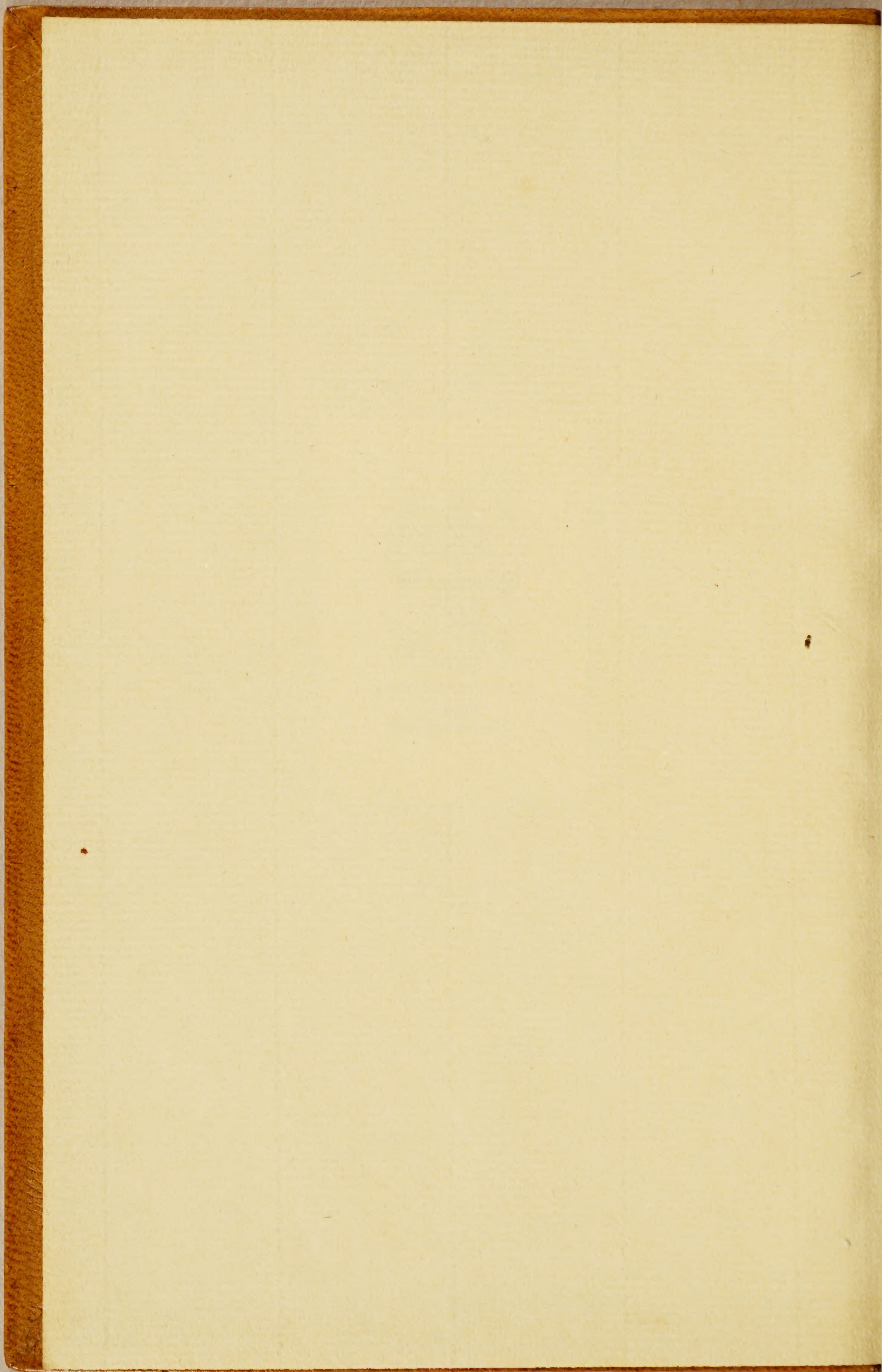


John Carter Brown  
Library  
Brown University





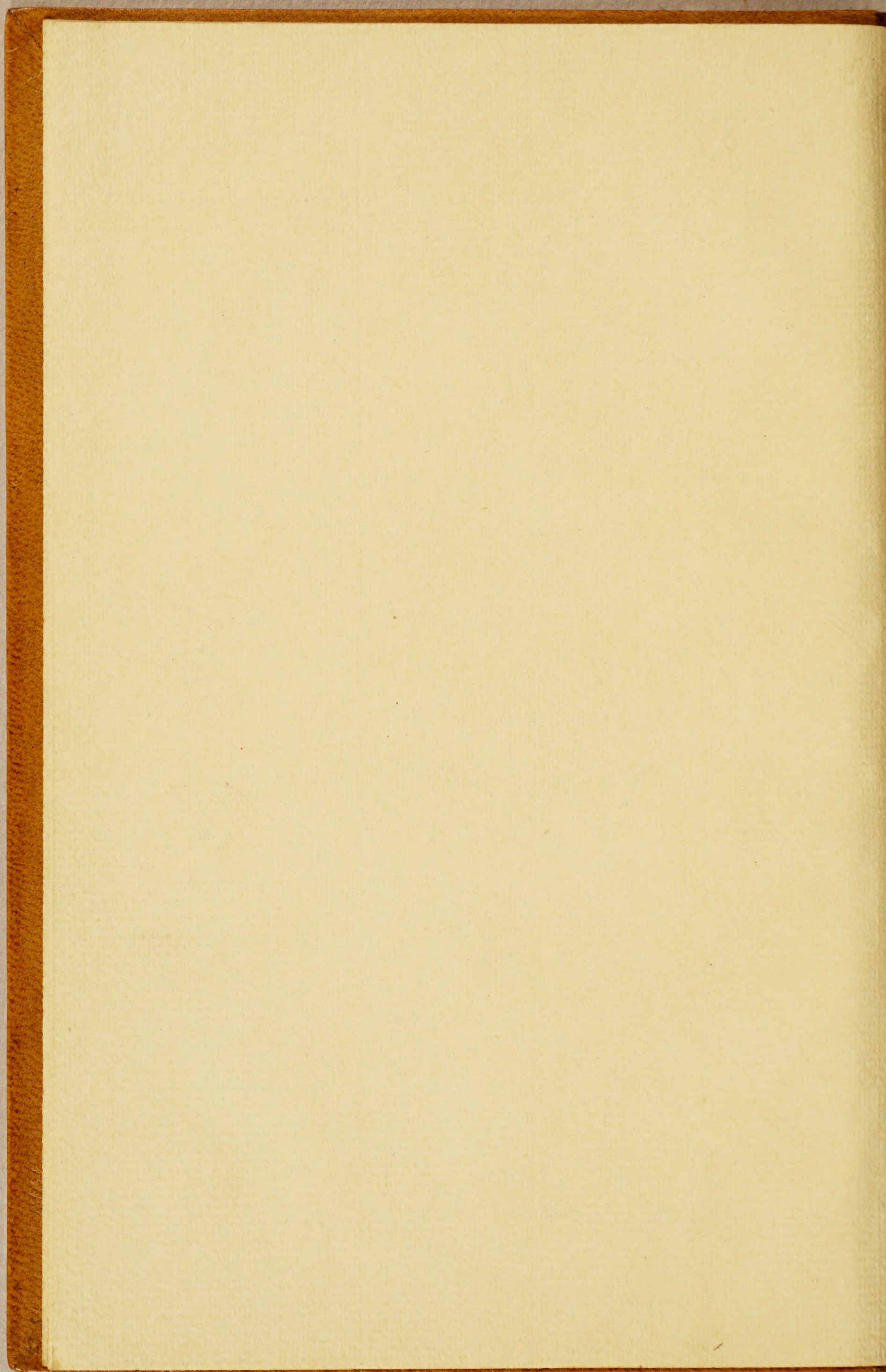














15  
Hon Abigail Briggs  
To Her Grace

Sep 1829

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A  
**DECLARATION**  
OF THE  
Warrantable grounds and proceedings of the first  
**A S S O C I A T E S**  
of the GOVERNMENT of  
**NEW-PLYMOUTH,**  
In their laying the first foundations thereof :  
with their GENERAL  
**FUNDAMENTALS.**

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758.

RPJCB



A  
DECLARATION

O F T H E

Warrantable Grounds and Proceedings  
of the First

A S S O C I A T E S

of the GOVERNMENT of

NEW-PLYMOUTH;

In their Laying the First Foundations of this  
GOVERNMENT, and in their Making LAWS,  
and Disposing of the LANDS within the Same.

Together With the GENERAL

FUNDAMENTALS

of their L A W S.

---

Enacted, Ordained, and Constituted, by the  
*Authority* of the A S S O C I A T E S  
of the C O L O N Y of  
N E W - P L Y M O U T H.

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BOSTON : Printed and Sold at GREENLEAF'S  
Printing-Office, in HANOVER-STREET.  
M, D C C, L X X I I I.



# DECLARATION

OF THE

Whitman's Grounds and  
of the N. A.

A S S O C I A T E S

of the GOVERNMENT of

## NEW-PLYMOUTH

in their favor the first foundation of this  
Government, and in their favor the  
and Disposing of the lands within the same.

Together with the General

## FUNDAMENTALS

of the N. A.

Printed, Published, and Circulated in the  
State of the N. A. 1822  
of the N. A. 1822

## NEW-PLYMOUTH

BOSTON: Printed and Sold at the  
Printing Office, William Lloyd,  
No. 10, CORNHILL.

RPJCB






A

DECLARATION, &c.

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 HEREAS John Carver, William Bradford, Edward Winslow, William Brewster, Isaac Allerton and divers others, the subjects of our late Sovereign Lord James, by the grace of God, King of England, Scotland, France and Ireland, defender of the faith, &c. Did, in the eighteenth year of his reign of England, France and Ireland; and of Scotland the fifty four, (which was in the year of our Lord God 1620) undertake a voyage into that part of America called Virginia, or New-England thereunto adjoining; there to erect a plantation and colony of English, intending the glory of God, the enlargement of his Majesty's dominions,



and the special good of the *English* nation. And whereas, by the good providence of our gracious God, the said *John Carver, William Bradford, Edward Winslow, William Brewster, Isaac Allerton* and their associates, arrived in *New-England* aforesaid, in the harbor of *Cape Cod*, or *Paomet*, scituate and being in *New-England* aforesaid ; where all the said persons entred into a civil combination (being the eleventh of *November*, in the year aforesaid) as the subjects of our said Sovereign Lord the *King*, to become a body politic, binding ourselves to observe such laws and ordinances, and obey such officers, as from time to time should be made and chosen for our well-ordering and guidance. And thereupon, by the favor of the Almighty, began the first colony in *New-England* (there being then no other within the said continent) at a place called by the natives *Apaum*, alias *Patuxet* ; but by the *English*, *New-Plymouth*. All which lands being void of inhabitants, we, that are before mentioned, and the rest of



our associates, entering into a league of peace with *Massasoit*, since called *Woo-samequin*, Prince, or Sachem of those parts: He the said *Massasoit* freely gave them all the lands adjacent to them, and their heirs forever; acknowledging himself content to become the subject of our Sovereign Lord the *King* aforesaid, his heirs and successors; and taking protection of us the said *John Carver*, *William Bradford*, *Edward Winslow*, *William Brewster*, *Isaac Allerton* and their associates, the natural subjects of our Sovereign Lord the *King* aforesaid: But having no special letters patents for the said parts of *New-England*; but only the general leave and liking of his Majesty aforesaid, for the free exercise of the liberty of our consciences in the public worship and service of God, wherever we should settle. Being therefore now settled, and desiring and requesting special licence and commission from his Majesty, for the ordering our affairs under his gracious protection, had sundry commissions made and confirmed by his said Majesty's



Council for *New-England*, to *John Pierce* and his associates (whose name we only made use of, and whose associates we were) in the late happy and memorable reign of our said Sovereign Lord King *James* : But finding ourselves still straitened, and a willingness in the honorable Council aforesaid, to enlarge us ; partly in regard of the many difficulties we had undergone, and partly in regard of the good service done, as well in relieving his Majesty's subjects as otherways : We procured a further enlargement, under the name of *William Bradford* aforesaid, and his associates ; whose names we likewise used (and whose associates as formerly we still are) by virtue of which letters patents, liberty is given unto us, derivatory from our Sovereign Lord King *Charles*, bearing date the thirteenth of *January* 1629, being the first year of his reign of *England, Scotland, France and Ireland* ; and signed by the right honorable *Robert* Earl of *Warwick*, in behalf of the rest of his Majesty's said Council for *New-England*, and sealed



with their common seal ; allowed to frame and make orders, ordinances and constitutions, for the ordering, disposing and governing of our persons, and distributing the lands, within the said limits ; to be holden of his Majesty, his heirs and successors, as of his mannor of *East-Greenwich*, in the county of *Kent*, in free and common soccage, and not in capite, nor by knights service, viz. All that part of *New-England* in *America*, and tract and tracts of lands that lie within or between a certain rivulet or runlet there, comonly called *Coahasset* alias *Conahasset*, towards the north, and the river commonly called *Narrhaganset* river, towards the south ; and the great western ocean towards the east ; and between and within a straight line directly extending up into the main land towards the west, from the mouth of the said river, called *Narrhaganset* river, to the outmost limits and bounds of a country or place in *New-England*, commonly called *Pokenacut*, alias *Puck-enakick*, alias, *Sawaanset* westward ; and



another straight line, extending itself directly from the mouth of the said river called *Coahasset*, alias *Conahasset* towards the west, so far up into the main land westward as the outmost limits of the said place or country commonly called *Pokenacut*, alias *Puckenakick* alias *Sarwaamset* do extend; together with one half of the said river called *Narrhaganset*, and the said rivulet or runlet called *Coahasset*, alias *Conahasset*, and all lands, rivers, waters, havens, creeks, ports, fishings, fowlings, and all hereditaments, profits, commodities and emoluments whatsoever, situate, lying and being, or arising within and between the said limits, or bounds, or any of them.

FURTHERMORE, all that tract of land, or part of *New-England*, or part of *America* aforesaid, which lieth within or between, and extendeth itself from the outmost limits of *Cobbisecontee*, alias *Comaseconte*, which adjoineth to the river of *Kennebeck*, alias *Kennebekike* towards the western ocean, and a place called the *Falls* at *Nequamkike* in *America*



aforesaid ; and the space of fifteen *Eng-  
lish* miles on each side the said river  
commonly called *Kennebeck* river : And  
all the said river called *Kennebeck*,  
that lieth within the said limits and  
bounds eastward, westward, northward  
or southward last above-mentioned ;  
and all lands, grounds, soils, rivers,  
waters, fishings, hereditaments and pro-  
fits whatsoever, situate, lying and be-  
ing, arising, happening or accruing, or  
which shall arise, happen or accrue in  
or within the said limits or bounds,  
or either of them ; together with free  
ingress, egress and regress with ships,  
boats, shallops, and other vessels from  
the sea, commonly called the western  
ocean, to the said river called *Kennebeck*,  
and from the said river to the said western  
ocean ; together with all PREROGATIVES,  
*rights, royalties, JURISDICTIONS, pri-  
vileges, franchises, liberties and immuni-  
ties* : And also marine liberty with  
the escheats and casualties thereof (the  
admiralty jurisdiction excepted) with  
all the interest, right, title, claim and  
demands whatsoever, which the said



Council and their successors now have or ought to have, or may have and acquire hereafter, in or to any of the said portion or tract of lands hereby mentioned to be granted, or any the premises, in as free, large, ample, and beneficial manner to all intents, constructions and purposes whatsoever, as the said Council by virtue of his Majesty's said letters patents, may or can grant. To have and to hold the said tract and tracts of land, and all and singular the premises above mentioned, to be granted with their and every of their appurtenances, to the said *William Bradford*, his heirs, associates and assigns for ever; to the only proper and absolute use and behoof of the said *William Bradford*, his heirs, associates and assigns for ever: Yielding and paying unto our said Sovereign Lord the King, his heirs and successors for ever, one fifth part of the oar of the mines of gold and silver; and one other fifth part thereof to the President and Council, which shall be had, possessed and obtained within the precincts aforesaid.



for all services and demands whatsoever ; allowing the said *William Bradford*, his associates and assignees, and every of them, his and their factors, agents, tenants and servants, and all such as he or they shall send and imploy about his said particular plantation ; shall and may from time to time, freely and lawfully go and return, trade and traffick, as well with the *English* as any of the *natives* within the precincts aforesaid ; with liberty of fishing upon any part of the sea-coast, and sea-shores of any the seas or islands adjacent, and not being inhabited, or otherwise disposed of by order of the said President and Council, forbidding all others to traffick with the *natives*, or inhabit any the said limits, without the special leave of the said *William Bradford*, his heirs or associates ; and allowing the said *William Bradford*, his heirs and associates, to take, apprehend, seize and make price of all such persons, their ships and goods as shall attempt to inhabit or trade with the salvage people, as aforesaid, &c.



MOREOVER, whereas in the first beginning of this Colony, divers merchants and others of the City of *London*, and elsewhere, adventured divers sums of money with the aforesaid *John Carver*, *William Bradford*, *Edward Winslow*, *William Brewster*, *Isaac Allerton* and the rest of their associates, on certain terms of partnership, to continue for the term of seven years. The said term being expired, the plantation, by reason of the manifold losses and crosses, by sea and land, in the beginning of so great a work, being largely indebted, and no means to pay the said debts but by the sale of the whole ; and the same being put to sale, We the said *William Bradford*, *Edward Winslow*, *William Brewster*, *Isaac Allerton*, and other our associates, the inhabitants of *New-Plymouth*, and elsewhere, being loth to be deprived of our labors, bought the same, for, and in consideration of *eighteen hundred pounds sterling*, with all, and singular the privileges, lands, goods, buildings, chattels, ordinance, munition, or whatsoever appertained to the said planta-



tion or the adventurers thereunto belonging ; as appeareth by a deed between the said *Isaac Allerton*, then agent for the said *William Bradford*, and his associates on the one part, and *John Pocock*, *Robert Keyn*, *Edward Basse*, *James Sherly*, and *John Beanchamp*, on the other part ; being thereunto deputed by the said merchants, and the rest adventuring as aforesaid ; as appeareth by a deed, bearing date *November 6th* in the third year of the reign of our Sovereign Lord *Charles*, by the grace of God King of *England*, *Scotland*, *France* and *Ireland*, &c. Anno Dom. 1627. Be it known therefore unto all men, by these presents, that according to our first intents, for the better effecting the glory of God, the enlargement of the dominions of our said Sovereign Lord the King, and the special good of his subjects ; by virtue as well of our combination aforesaid, as also the several grants by us procured in the names of *John Pierce*, and *William Bradford*, their heirs, and associates ; together with our lawful right, in respect



of vacancy, donation or purchase of the natives, and our full purchase of the adventurers before expressed ; have given unto, allotted, assigned, and granted to all and every person or persons, whose name or names shall follow upon this public record, such proportion or proportions of grounds, with all and singular the privileges thereto belonging, as aforesaid, to him or them, his or their heirs and assigns successively for ever ; to be holden of his Majesty of *England*, his heirs and successors, as of his mannor of *East-Greenwich*, in the county of *Kent* ; in free and common soccage, and not in capite, nor by knights service ; yielding and paying to our said Sovereign Lord the King, his heirs and successors forever, one fifth part of the oar of the mines of gold and silver ; and one other fifth part to the President and Council, which shall be had, possessed and obtained, as aforesaid. And whatsoever lands, are or shall be granted to any by the said *William Bradford*, *Edward Winslow*, *William Brewster*, *Isaac Allerton* their heirs or



affociates as aforefaid ; being acknowledged in public court, and brought to the public records of the feveral inheritances of the fubjects of our Sovereign Lord the King, within this government; it fhall be lawful for the Governor of *New-Plymouth* aforefaid, from time to time fucceffively, to give under the common feal of the government a copy of the faid grant fo recorded ; confirming the faid lands to him or them, his or their heirs and affigns forever ; with the feveral bounds and limits of the fame, which fhall be fufficient evidence in law from time to time, and at all times, for the faid party or parties, his or their heirs or affigns ; to have and to hold the faid portion of land fo granted, bounded and recorded as aforefaid ; with all and fingular the appurtenances thereunto belonging, to the only proper ufe and behoof of the faid party or parties, his or their heirs and affigns for ever.



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The G E N E R A L  
FUNDAMENTALS,

PUBLISHED, Anno Domini 1636.

1. **W** E E the associates of the Colony of New-Plymouth, coming hither as free born subjects of the Kingdom of England, endowed with all and singular the privileges belonging to such: Being assembled,

Do enact, ordain and constitute; that no act, imposition, law or ordinance be made or imposed upon us at present, or to come, but such as shall be enacted by consent of the body of freemen or associates, or their representatives legally assembled; which is according to the free liberties of the free born people of *England*.

2. AND for the well governing this Colony: It is also resolved and ordered, that there be a free election annually



of Governor, deputy Governor and assistance, by the vote of the freemen of this corporation.

3. It is also enacted, that justice and right be equally and impartially administered unto all, not sold, denied or causelessly deferred unto any.

4. It is also enacted, that no person in this government shall suffer or be indamaged, in respect of life, limb, liberty, good name or estate, under color of law, or countenance of authority, but by virtue or equity of some express law of the general court of this Colony, or the good and equitable laws of our Nation, suitable for us, in matters which are of a civil nature (as by the court here hath been accustomed) wherein we have no particular law of our own. And that none shall suffer as aforesaid, without being brought to answer by due course and process of *Law*.

5. AND that all cases, whether capital, criminal, or between man and man, be tried by a jury of twelve good and



lawful men, according to the commendable custom of *England*, except where some exprefs law doth refer it to the judgment of some other Judge or inferior court where jury is not ; in which case also, any party agrieved, may appeal and have trial by a jury.

AND it shall be in the liberty of any person, that is to be tried by a jury to challenge any of the jurors, and if the challenge be found just and reasonable by the bench, it shall be allowed ; and others without just exception shall be impannelled in their room : And if it be in case of life and death, the prisoner shall have liberty (according to the law of *England*) to except against twenty of the jury without giving any reason for the same.

6. THAT no person shall be cast, condemned or sentenced in any case capital, civil or criminal without the testimony of two sufficient witnesses, or other sufficient evidence, or circumstances equivolent thereunto, unless in any particular case the law hath otherways provided.



7. AND it is enacted ; being the privilege of our charter ; that all persons of the age of 21 years, of right understanding and memory, whether excommunicated, condemned or other, having any estate properly theirs to dispose of, shall have power and liberty to make their reasonable wills and testaments, and other lawful alienations of their lands and estates ; be it only here excepted, That such as are sentenced for treason against the King's Majesty, or realm of *England*, or other capital crimes, shall forfeit to the King or Colony, for the carrying on the charge of government, their personal estate : Their lands and real estate being still at their disposal.

8. THAT whereas the great and known end of the first *comers* in the year of our Lord 1620, leaving their native country, and all that was dear to them there ; transporting of themselves over the vast ocean, into this remote vast wilderness, and therein willingly conflicting with dangers, losses, hardships and distresses, fore, and not a few, was,



that without offence, they, under the protection of their native Prince, together with the enlargement of his Majesty's dominion, might, with the liberty of a good conscience enjoy the pure scriptural worship of God, without the mixture of humane inventions and impositions ; and that their children after them might walk in the holy ways of the Lord ; And for which end they obtained leave from King *James* (of happy memory) and his honorable Council ; with farther grants from his gracious Majesty *Charles I*, and his honorable Council, by letters patents for sundry tracts of land, with many privileges therein contained for their better encouragement to proceed on in so pious a work, which may especially tend to the propagation of religion, &c. as by letters, patents more at large appeareth ; with further assurance also of the continuance of our *liberties* and *privileges*, both civil and religious, under the royal hand and seal of our Sovereign Lord King *Charles II*. And whereas by the good hand of our God upon us, many others since



the first comers, are for the same end come unto us, and fundry others rise up amongst us, desirous with all good conscience to walk in the faith and order of the gospel, whereby there are many churches gathered amongst us, walking according thereunto : And whereas (by the grace of God) we have now had above 60 years experience of the good consistency of these churches, with loyalty to our Prince, civil peace and order, and also with spiritual edification, together with the welfare and tranquility of the government.

It is therefore for the honor of God and the propagation of religion, and the continued welfare of this colony, ordered by this court and the *authority* thereof, that the said churches already gathered, or that shall be orderly gathered, may and shall from time to time by this government be protected and incouraged in their peaceable and orderly walking, and the faithful, able, orthodox-teaching ministry thereof, duly incouraged and provided for ; together with such other



orthodox, able dispensers of the gospel, which shall or may be placed in any township in this government, where there is or may be defect of church order.

9. AND finally, it is ordered and declared by this court, and the *authority* thereof, that all these foregoing orders and constitutions are so fundamentally essential to the just rights, liberties, common goods, and special end of this Colony, as that they shall and ought to be inviolably preserved.

# F I N I S.

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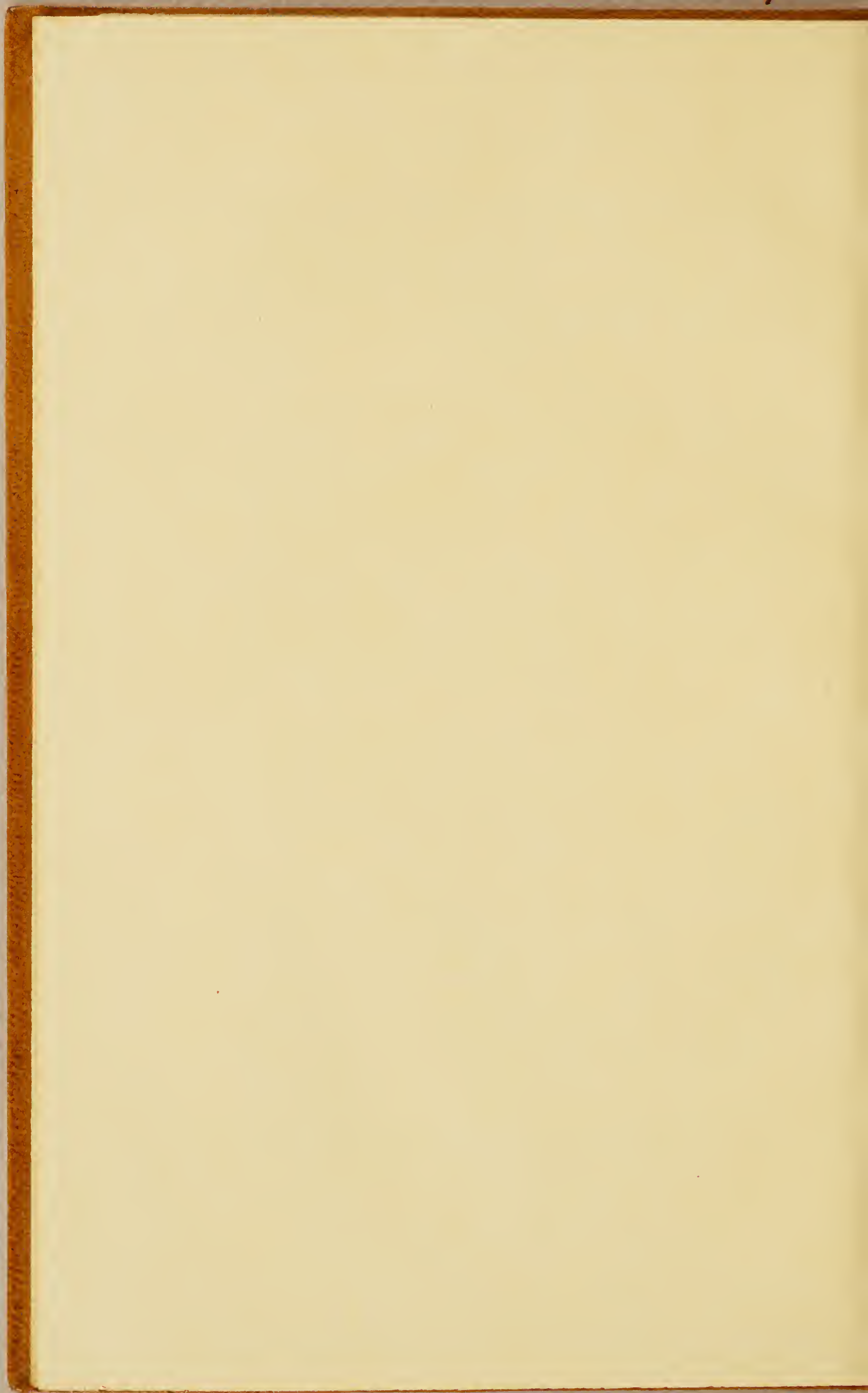
\* \* UPON *Suitable Encouragement will be*  
 \* \* *Re-Published* [in addition to the foregoing]  
*the Book of the General LAWS of the Inha-*  
*bitants of the Jurisdiction of NEW-PLY-*  
*MOUTH, Collected out of the Records of the*  
*General Court.*

Subscriptions are taken in at Greenleaf's P. Office.  
 The Price to Subscribers will be about 4s.





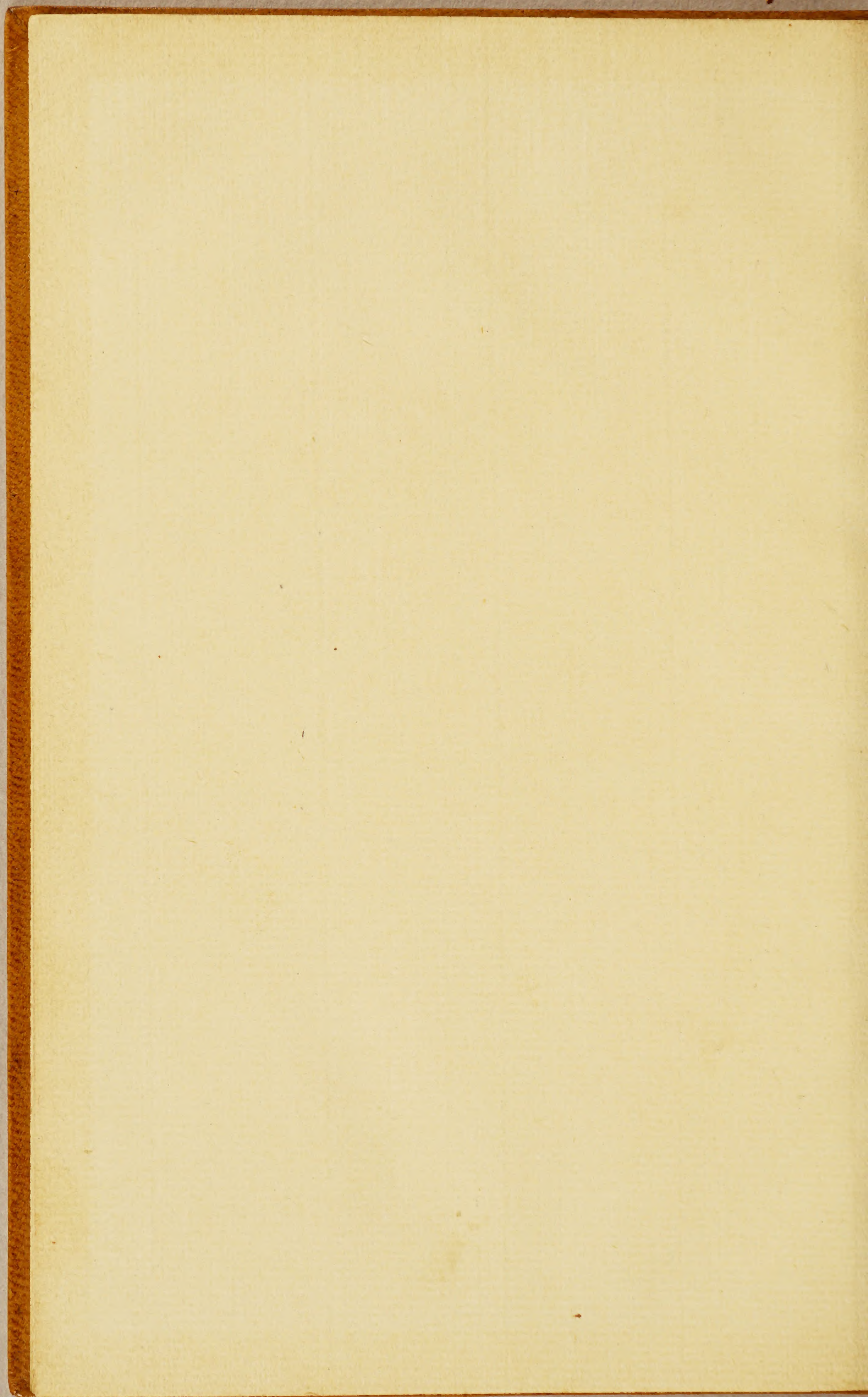














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